THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1188 OF 2006

DATED 30th JANUARY, 2006

BETWEEN

K.Bheemireddy S/o Basavanna Goud

… Petitioner

and

The Revenue Divisional Officer, Adoni,

Kurnool District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1188 OF 2006

ORDER:

The petitioner is resident of Potlapadu village. He filed a declaration under Section 8 of A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for brevity, the Act) before the Land Reforms Tribunal, the first respondent herein. A common order was passed in C.C.Nos.3188, 3189, 3117 and 3116/PKD/75 determining the petitioner and others to be surplus landholders to the extent of 0.9102 standard holdings and the petitioner was directed to surrender the excess agricultural lands. The petitioner failed to do so and therefore *suo motu* proceedings were initiated for taking possession of the surplus lands. Aggrieved by the same, the petitioner preferred an appeal being L.R.A.No.3 of 1993 on the file of the Court of the I Additional District Judge-cum-Land Reforms Appellate Tribunal, Kurnool. By order dated 04.08.1995, the appellate Tribunal disposed of the matter giving liberty to the petitioner to furnish the list of lands proposed to be surrendered by the petitioner and others. It is the case of the petitioner that he immediately furnished the list on 25.10.1995 proposing to surrender lands in various survey numbers admeasuring Acs.49.17. It is alleged that the petitioner is not aware whether the surrender is accepted or not but on 10.12.2005 the first respondent issued a notice requiring the petitioner to furnish the list of the lands proposed to be surrendered and was also informed that if he fails to do so, the lands will be selected *suo motu* in accordance with Section 10(3) of the Act. Thereafter, the petitioner submitted a reply on 23.12.2005 informing that he has already furnished a list of the lands to be surrendered and in spite of the same it is alleged the respondents are trying to dispossess the petitioner without passing any orders. Therefore, he filed the instant writ petition seeking a writ of Mandamus, *inter lia,* directing the respondents not to take possession of the lands.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General), after getting instructions, submits that the petitioner has not submitted the surrender list, dated 25.10.1995, as alleged. He further states that as the petitioner failed to submit any explanation to the notice, dated 10.12.2005. The Revenue Divisional Officer by communication, dated 28.12.2005, directed the Mandal Revenue Officer to inspect the lands in various survey numbers and only the survey was undertaken by Mandal Revenue Officer. He denies the allegation that the respondents are trying to interfere with the petitioner without passing any orders.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General), this Court is of considered opinion that the question involved is only a matter of procedure. If the petitioner is so aggrieved, he can still file a list of various lands, which he desires to surrender, pursuant to the orders of the Land Reforms Tribunal in C.C.Nos.3188 etc., within a period of one week from the date of receipt of this order. If the land proposed to be surrendered by the petitioner is free of any encumbrances and there are no encroachments thereon, the respondents may consider accepting the same. This exercise may be completed within three weeks after the petitioner submits a list of lands to be surrendered. The submission made by the learned Assistant Government Pleader that there is no

threat of dispossession is recorded.

The writ petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO,J)

30.01.2006.

pln